

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**923 CIVIL APPLICATION NO.15532 OF 2016
IN CA/6116/2014 IN SAST/16066/2014 IN RC/1417/2015**

VENKAT PUNDLIK PATIL

VERSUS

SHIVRAJ HANMANTRAO PATIL AND OTHERS

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Advocate for Applicant : Mr. Patil Indrale Anand V.

Advocate for Respondent Nos. 1 & 2 : Mr. K. P. Rodge.

Advocate for the Respondent Nos. 3 & 4 : Mr. Prikshit S. Mantri h/f Parag V.
Borde.

CORAM : MANGESH S. PATIL, J.

DATE : 16.03.2022.

PER COURT :

The delay in filing the second appeal was condoned by the order dated 13.10.2015 passed in Civil Application No. 6116/2014, subject to a condition of depositing Rs. 5000/- within four weeks from the date of the order, failing which the order was to stand recalled automatically.

2. On failure of the appellant to deposit the costs in time, the order stood recalled.

3. By way of this application, again dismissal of the second appeal on account of operation of the condition imposed by the order dated 31.10.2015 has been sought to be set aside with a prayer to condone the delay of 18 days.

4. I have heard both the sides.

5. For the reasons mentioned in the application, the application is allowed with a further condition to deposit additional Rs. 5000/- (Rs. Five Thousand only) within two weeks from today. On such deposit being made in addition to the amount of Rs. 5000/- imposed in the order dated

13.10.2015 also within two weeks from today, the second appeal shall stand restored, failing which this order shall stand recalled.

5. The plaintiffs/respondents shall be entitled to claim both the costs.

(MANGESH S. PATIL, J.)

mkd/-